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*Of Attorneys for Defendants*

FILED 17 AUG '17 16:00 USDC-ORP

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**PORTLAND DIVISION**

HOOD RIVER VALLEY RESIDENTS  
COMMITTEE, an Oregon non-profit  
corporation; MIKE MCCARTHY, individually;  
HOOD RIVER COUNTY by and through the  
BOARD OF COUNTY COMMISSIONERS  
OF HOOD RIVER COUNTY, an Oregon  
municipal corporation; & MT. HOOD  
MEADOWS OREGON, LLC, an Oregon LLC;  
CLACKAMAS COUNTY, by and through the  
BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, a political  
subdivision of the State of Oregon,

*Plaintiffs,*

v.

JIM PEÑA, Regional Director of Region 6 of  
the Forest Service; LISA NORTHROP,  
Supervisor, Mt. Hood National Forest;  
THOMAS L. TIDWELL, Chief of the Forest  
Service; and the UNITED STATES FOREST  
SERVICE, an administrative agency of the U.S.  
Department of Agriculture,

*Defendants.*

Case No.: 3:15-cv-01397-BR

**DEFENDANTS' NOTICE OF  
LODGING OF FIFTH SUPPLEMENT  
TO THE ADMINISTRATIVE RECORD**

In accordance with the agreed-upon terms of the parties' stipulated stay of further proceedings that the Court has approved (Dkt. #83) in the above-captioned action, Defendants hereby give notice of their filing this date the fifth supplement to the administrative record underlying the various administrative tasks, activities, and constituent steps in which the Forest Service has engaged to implement the congressionally directed and conditioned land exchange with Mt. Hood Meadows Oregon, LLC ("MHMO"), pursuant to Section 1206 of the Omnibus Public Land Management Act of 2009 Pub. L. 111-11. In accordance with the terms of that Stipulated Stay, the materials comprising this fifth supplement to the administrative record extend through the date the appraisal that has been prepared in support of the Land Exchange was submitted to the Forest Service Review Appraiser, which occurred (electronically) on June 30, 2017, consistent with the Target Completion Date in the implementation schedule the Forest Service has presented to the Court (Dkt. #26-3)(the last item in the supplement is actually dated a few days later, July 3, 2017, but is included because it is an e-mail documenting that the appraiser sent its appraisal to the Forest Service Review Appraiser by the June 30 Target Completion Date). The Forest Service would note that, per its guidance and as expressly provided in the parties' Stipulated Stay, the appraisal itself is not included in the fifth supplement, insofar as its guidance provides that the appraisal is not to be shared even with agency officials working on the Land Exchange on the Mt. Hood National Forest or MHMO, the other party to the exchange, until after it has been reviewed and formally approved for agency use by the Forest Service Review Appraiser who is reviewing it.

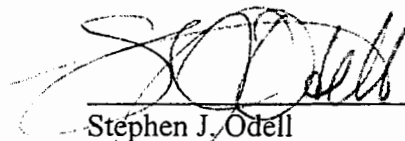
This fifth supplement is in addition to the materials Defendants have previously submitted to the Court as part of the administrative record as originally lodged (Dkt. #31) and the first, second, third, and fourth supplements to the administrative record (Dkt. ## 40, 45, 59,

& 90). Moreover, under the agreed-upon terms of the stipulation, at least as long as the stay the Court entered pursuant to such terms remains in effect, Defendants would note that they have agreed to file at least one further supplement to the administrative record shortly after the Forest Service issues a Final Record of Decision and Final Environmental Impact Statement on the Land Exchange, as specified in the stipulation (Dkt. #83).

The materials comprising the fifth supplement to the administrative record are consecutively paginated from 5th Supp AR 0001-3434, and separately identified in the index to the supplement, and those materials and the index are both included in electronic form on the disc enclosed in the attached plastic sheath. Filing the supplemental record materials in this form and mode is consistent with LR 5-2(e), which explicitly authorizes a federal agency to file an administrative record with the Court on a CD-ROM as a physical exhibit by submitting it to the Clerk's Office attached to a Notice of Filing of the Administrative Record.

In conjunction with lodging the fifth supplement to the administrative record, Defendants are also electronically filing this same date the Declaration of Dori A. Creamer (Dkt. # 100) in which she certifies the contents of the materials comprising this supplement.

Respectfully submitted this 14th day of August 2017.

  
\_\_\_\_\_  
Stephen J. Odell  
Assistant United States Attorney  
Of Attorneys for Defendants

**CERTIFICATE OF SERVICE**

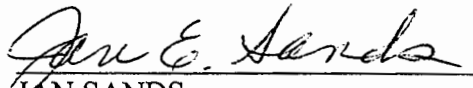
I HEREBY CERTIFY that I made service of the foregoing DEFENDANTS' NOTICE OF LODGING OF FIFTH SUPPLEMENT TO THE ADMINISTRATIVE RECORD, as well as the single disc containing the materials comprising that supplement and the index thereto, that are enclosed in a protective plastic sheath attached to the notice, by placing each of the above-referenced items into the U.S. mail in Portland, Oregon, with postage paid for first-class delivery, this 14th day of August 2017, addressed to each of the following counsel of record:

Ralph Bloemers  
Christopher G. Winter  
Crag Law Center  
917 S.W. Oak Street, Suite 417  
Portland, OR 97205

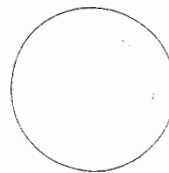
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FEDERAL DEFENDANTS' FIFTH SUPPLEMENTAL  
ADMINISTRATIVE RECORD INDEX COOPER SPUR-  
GOVERNMENT CAMP LAND EXCHANGE  
MT. HOOD NATIONAL FOREST



08/11/2017

Hood River County Residents Committee, et al.  
v. Pena, et al.  
3:15-cv-01397-BR (D.OR.)